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RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			HARBECK, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/414,290

Applicant(s)

ENRIGHT ET AL.

Examiner

Timothy M. Harbeck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

In view of the appeal brief filed on 1/13/2006, PROSECUTION IS HEREBY REOPENED. For the reasons set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

The prosecution is reopened in light of the applicant filing a 1.131 declaration on 1/12/2006.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13, 17, 22, and 25-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg (US 5,354,974) in view of Anonymous (Anonymous "Java goes full circle." Bank Technology News. New York: Dec 1996. Vol.9, Iss.12; pg 9, 3 pages).

**Re Claim 1:** Eisenberg discloses an apparatus comprising

- An automated banking machine carrying out at least one transaction function (Column 2, lines 59-68)
- At least one camera adjacent the banking machine, wherein the camera is operative to produce camera signals corresponding to images (Column 3, lines 13-16)
- A computer (Fig 1, 10), wherein the computer is in operative connection with the machine and the camera (FIG 1) and wherein the computer is operative to include image data corresponding to the camera signals responsive to the machine carrying out at least one transaction function (Column 3, lines 45-53)
- At least one communication network in operative connection with the computer (Column 2, lines 1-3)
- A user terminal including an output device in operative connection with the network and is operative to output images corresponding to the image data through the output device (Column 2, lines 1-3)

Eisenberg does not explicitly disclose wherein

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- The computer includes a server in operative connection with a data store
- The communication network is in operative connection with the server
- The user terminal includes a browser, and wherein the user terminal communicates with the server through the browser

Anonymous discloses the use of a centralized server, accessible by an automated teller machine that is in operative connection to a database (Page 2, paragraph 6 under "ATM's on Intranets"). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg so that an ATM will be able to access and consult an exterior source of information that holds data related to the customer using the machine. This would provide an efficient way for the machine to both access, record and store customer data without having to store each customer's account locally and furthermore would provide a more extensive database with more customer information available.

Finally, Anonymous discloses automated teller machines that are equipped with browsers and connected to a TCP/IP compliant network (See Abstract and Page 2, paragraph 1). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg to allow for the downloading and implementation of new or otherwise absent transaction functions to any ATM, as well as allow the ATM to consult outside sources, like a Bank website. This feature would further allow an ATM to be upgraded to include the latest technology in a fast and efficient manner, and provide the customer with state of the art features, and access to online banking functions.

**Re Claim 2:** Eisenberg in view of Anonymous discloses the claimed apparatus supra and Eisenberg further discloses wherein the banking machine is operative to provide cash (Fig 1, Ref 4) and wherein the computer is operative to include image data in the data in the data store responsive to the machine operating to provide cash (Column 3, lines 13-16 and 50-53)

**Re Claims 3:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the data store includes instructions including data representative of a predetermined amount, and wherein the computer is operative to include image data in the data store when an amount of cash provided by the machine is at least the predetermined amount. However, the camera of Eisenberg is actuated by certain prompts entered into the system (emergency PIN) and could easily be adapted to include other sorts of prompts, including the withdrawal of a certain amount of money. The purpose of the Eisenberg apparatus is to prevent theft at an ATM machine through the use of an entered emergency PIN. However it would have been obvious to anyone skilled in the ordinary art at the time of invention to include other means to prompt the security features of the apparatus to operate in case the user has already entered their real PIN before being accosted. In this manner, a user of the ATM will have multiple opportunities to alert the authorities throughout the banking process, not just at the start. The system of Eisenberg also has a means for simulating a false transaction, once the emergency PIN is entered, as a means to deceive the

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potential thief. The same thing could be done if an excess amount of money is requested for withdrawal.

**Re Claim 4:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the machine includes a plurality of transaction function devices, and wherein the computer is operative to include image data in the data store responsive to operation of each of a plurality of transaction devices during a transaction. However it was well known in the art that many different types of transactions can be performed at an ATM and therefore would have been obvious to anyone skilled in the ordinary art at the time of invention. In this way a user at an ATM can perform a variety of banking functions remote from their financial institution. Furthermore, the system of Eisenberg is designed to secretly activate security measures through user-initiated actions that appear normal. The example used is for a user to enter an emergency PIN to signal to the central computer that something is wrong. However, if the user has already entered their normal PIN and is later accosted, it would be advantageous to have further methods to allow the user to activate the security means without notifying the thief. Furthermore the system could have certain automatic triggers that may indicate the possibility of a theft including the withdrawal of an unusual amount of money, transfer of a large sum or the incorrect entering of the PIN. These types of security measures at an ATM are commonplace and would have been obvious to anyone skilled in the ordinary art at the time of invention as a way to help eliminate fraud or at the very least record the theft. Finally, as Eisenberg points out, some ATMs might always record a transaction at the machine,

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regardless of the situation but might provide enhancement feature should a trigger be activated (Column 3, lines 50-53).

**Re Claim 5:** Eisenberg in view of Anonymous discloses the claimed apparatus supra and while not explicitly disclosing the steps comprising instructions including a sequence, wherein the computer is operative to sense lack of usable video from a first camera and to store image from a second camera responsive to the sequence, the apparatus of Eisenberg does include multiple cameras providing additional views of the scene that are activated by the central computer (Column 3, lines 13-16). While not disclosing a specific sequence involved in the camera activation, Eisenberg does note that the system must decide between either enhancing the current camera or enabling different views of the scene. The computer must therefore have some way to determine which route to proceed based upon the video being recorded at the time. Otherwise the system would just randomly activate one feature or the other and could in fact hinder the recording.

**Re Claim 6:** Eisenberg in view of Anonymous discloses the claimed apparatus supra and Eisenberg further discloses wherein the banking machine includes an input device (Fig 1, Ref 2), and wherein the input device receives data through the input device (Fig 2, Refs 101, 106, 113) and wherein the banking machine carries out the transaction function responsive to the input data (Fig 2, Ref 108). Eisenberg does not explicitly disclose wherein the computer is operative to include in the data store transaction data corresponding to the input data but Anonymous discloses a data store that housed information on customer activities. It would have been obvious to anyone



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skilled in the ordinary art to include the teachings of Anonymous to the disclosure of Eisenberg because banks have for some time recorded into a database, records of transactions in case they might need to be revisited later. If there were no such recording, it would be difficult for banks to deal with disputed transactions and potential fraud as they would have no way to dispute or prove a transaction.

**Re Claim 7:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the user terminal is operative to process the transaction data with the browser and to output indicia corresponding to the transaction data with the output images through the output device. As was noted in the rejection of claim 1, Anonymous discloses that browser software would have been obvious to anyone skilled in the ordinary art at the time of invention as a means to display information contained on the network. It also follows then that the user terminal would have to be operative to process the stored information on the network, whether it be images or transaction data or else the individual user terminal would be useless. Eisenberg notes that security personnel or police would be connected to the network, via a modem and stored information can be viewed at their respective user terminals (Column 2, lines 1-3). Having transaction information associated with the images would be obvious to anyone skilled in the ordinary art as a means to determine such things as the amount exactly of money stolen, the time of day of the transaction and the location of the theft which would aid in both recovering assets for the user and perhaps apprehending the perpetrator.

**Re Claim 8:** Eisenberg in view of Anonymous discloses the claimed apparatus supra and further Eisenberg discloses a second camera wherein the second camera produces second camera signals corresponding to a service area of the machine, and wherein the computer is operative to include in the data store image data corresponding to the second camera signals (Column 3, lines 13-16).

**Re Claim 9:** Eisenberg in view of Anonymous discloses the claimed apparatus but does not explicitly disclose wherein the second camera is located in an interior of the automated banking machine, however Eisenberg notes that the system is enabled to provide "multiple additional views of the scene (column 3, lines 13-16)," and it would have been obvious to anyone skilled in the ordinary art to include a camera located in the interior of the automated banking machine as a way to capture close up images of the person or persons standing at the machine. These interior cameras were widely used at ATMs for exactly this purpose and provide supplemental images to the overall scene.

**Re Claim 13:** Eisenberg in view of Anonymous discloses the claimed apparatus supra and Eisenberg further discloses wherein the data store includes instructions representative of a sequence and wherein the computer is operative to include image data in the data store, and wherein the user terminal has in connection therewith a user terminal input device. In the case of Eisenberg, the sequence would be the input of the "emergency PIN" that triggers the camera to include image data (Fig 2, 110/116). While not explicitly disclosing the step wherein the sequence is changeable through an input to the user terminal input device, this step was both old and well known and furthermore

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would have been obvious to anyone skilled in the ordinary art at the time of invention so that a user could both select their appropriate PINs and change them if need be. A PIN must be something that a user can easily remember, especially in time of crisis and therefore it would be advantageous for them to set this number themselves.

Furthermore, should they forget their emergency PIN it would be useful for the person to be able to reset the number so it will be ready if they need to use it in the future.

**Re Claim 17:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the server and the data store are located within the banking machine. However Eisenberg does disclose that the ATM system may include the central computer (Column 2, lines 59-68) and it is well known in the art for a computer to act both as a server and a data store. Furthermore, having all parts of the system, including the centralized server and data store disclosed by Anonymous located at the banking machine would be advantageous so that information does not need to be collected from a variety of remote sources, but rather from one local site.

**Re Claim 22:** Eisenberg in view of Anonymous discloses the claimed apparatus supra however does not explicitly disclose the step wherein the data store comprises a recording device having a removable storage medium, wherein the image data is recorded on the removable storage medium. However this step is old and well known in security systems and would have been obvious to anyone skilled in the ordinary art. Security cameras are often times connected to VCR devices in order to record information onto a tape. These tapes can then be removed and cataloged for record keeping purposes.

**Re Claim 25:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the banking machine includes an imaging device, wherein the imaging device is operative to generate document signals corresponding to at least one appearance feature of documents input to the machine and wherein the data store includes instructions and the computer is further operative responsive to the instructions to include in the data store document image data corresponding to the document image signals. However, imaging devices such as the one discloses are old and well known and would have been obvious to anyone skilled in the ordinary art at the time of invention for use in ATMs as a means to record certain transactions such as a check deposit. ATM machines have image readers that accept and record the face of a check for record keeping purposes and store them in a CPU, in case there are later issues with the transaction (i.e. not recorded, disputed amount).

**Re Claim 26:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the document image data is stored in correlated relation with image data produced responsive to the camera signals. However Anonymous discloses the storage of "customer activities (page 2, paragraph 6)" and it would have been obvious to anyone skilled in the art at the time of invention to include this feature to create a better universal record of the entire transaction. In this manner if a transaction needs to be recalled, there will be a correlated record of the transaction history, scene depiction from the camera and images of the accepted documents all in the same record. This process will be much

more efficient than having to manually synch the separate variables which would be exceedingly more difficult.

**Re Claim 27:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the data store includes further instructions and the server is operative responsive to the further instructions to deliver the document image data through a network. However if the image reader were to send the image to the CPU it would have been obvious to anyone skilled in the ordinary art at the time of invention to do so via a network as this is the most efficient way to send information of this sort. The other options including transferring the images to a machine-readable medium are more tedious and time consuming and render the network option the most appealing.

**Re Claim 28:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step further comprising a document verification terminal in operative connection with the network, and wherein the document verification terminal is in operative connection with a verification data store including data representative of indicia which is indicative of the genuineness of documents, and wherein the document verification terminal includes a further browser and wherein the document verification terminal is operative to access the document image data through the server and to compare the document image data and the indicia from the verification data store. However it was well known in the art for banks to have document verification procedures in order to ensure the genuineness of received documents, including consulting databases of previously verified ones from which to compare.

Furthermore maintaining electronic versions of such databases (such as the ones disclosed by Anonymous) limits the time and effort necessary to do this properly. It would have been obvious to anyone skilled in the ordinary art to include these verification procedures to the disclosure of Eisenberg in view of Anonymous so that the banking institution can quickly and easily verify documents and not accidentally accept a fraudulent or improper document.

**Re Claim 29:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the indicia in the verification data store corresponds to written signatures and wherein the document verification terminal is operative to compare signatures in documents represented by the document image data to data representative of the written signatures in the verification data store. However, comparing a written signature to previously stored and accepted signatures is an old and well-known verification method and would have been obvious to anyone skilled in the ordinary art. Because a recipient must endorse any check that is cashed or deposited, comparing signatures is a trusted and highly accepted way to verify documents.

**Re Claim 30:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the output device of the user terminal comprises a display and wherein the display is operative to display a plurality of images corresponding to operation of the transaction function devices during the transactions together in a set on the display. However Eisenberg does disclose that video and audio can be transmitted via modem to separate user terminals (Column 2,

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lines 1-3). It would only be obvious to anyone skilled in the ordinary art at the time of invention for these user terminals to have a display or else the sent video could not be viewed and would therefore be useless.

**Re Claim 31:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the user terminal further comprises an input device, wherein the input device is selectively operative to select one of the images in a set and wherein the user terminal is operative to selection of one image in a set, to display a larger version of the selected image on the display. However it was old and well known in the art at the time of invention and would be obvious to anyone of ordinary skill that computers and applicable software on said computers allow users to manipulate, in a variety of ways, video images displayed on a monitor. In this manner a user could see a larger view of the image in question if the smaller picture was not sufficient. A larger view might, for instance, give a better view of a possible thief's facial features.

**Re Claim 32:** Eisenberg in view of Anonymous discloses the apparatus supra but does not explicitly disclose wherein the banking machine is operative to produce transaction data responsive to operation of at least one transaction function device and wherein the computer is operative to store data responsive of the transaction data in a data store in correlated relation with the corresponding image data and wherein the transaction data is accessed by the user terminal with the browser, and wherein the corresponding transaction data is output on the display of the user terminal with the selected image. However it would have been obvious to anyone skilled in the ordinary

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art at the time of invention to include transaction data related to the appropriate image data in a record of the transaction in order to get a better universal picture of the transaction in question. In this manner a person on the user terminal, such as security personnel, will have a better frame of reference from which to observe the transaction and can make more appropriate deductions. Storing these records, in a database like the one disclosed in Anonymous (page 2, paragraph 6) in correlated relationships will make the process much more efficient as the user will not have to retrieve records from two different locations. This information would also fall under the category of "customer activities," disclosed as being stored in a database by Anonymous.

**Re Claim 33-34:** Eisenberg in view of Anonymous discloses the claimed method supra but does not explicitly disclose wherein the display includes an icon and wherein selection of the first icon with the input device is operative to selectively cause images in a series of images to be made visible on the display as well as a second icon wherein the selection of the second icon with the input device is operative to cause at least one image in a second direction in the series other than the first direction to be made visible on the display. However it was well known in the art at the time of invention to computers such as the one at the user terminal to make use of icons through software programs. Furthermore, if the video were separated into different frames or representative of different camera angles, as is the case with many security videos, it would be obvious to allow a user interested in the images to see one particular frame in a sequence, especially if that frame contains valuable information (facial features ect)



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that other frames may not, or to view two distinct frames to note any similarities or differences.

**Re Claim 35-37:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose all the potential manipulations of video images through computer means, specifically the use of icons. However, it was well known in the art at the time of invention to use the computer to manipulate video images in ways that are suitable for the user. The computer is a powerful tool that allows for multiple image display, zooming, frame splicing, and time sequencing, among others that are much more useful and efficient than traditional methods. It would have been obvious to anyone skilled in the ordinary art to use a computer including the well known usage of icons to view security camera footage as the computer allows for more in depth analysis at a much more efficient pace than traditional methods.

**Re Claim 38:** Eisenberg discloses an automatic teller system and method of operating the same comprising

- An automated teller machine wherein the ATM includes a plurality of function devices (Column 2, lines 59-68)
- At least one camera adjacent the ATM machine wherein the camera is operative to produce camera signals corresponding to at least one human image (Column 3, lines 13-16)
- A computer in operative connection with the at least one camera (Fig 1, Ref 10)

- A terminal in operative connection with a network wherein the terminal is remotely located from the ATM wherein the terminal is operative to receive image data (Column 2, lines 1-3)

Eisenberg does not explicitly disclose

- A data store in operative connection with the computer wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of a selected function device, wherein the computer is operative to store the image data on a first date
- At least one communication network in operative connection with the data store
- The terminal in operative connection with the data store, wherein the terminal includes a display device, wherein the terminal is operative to receive stored image data on a second date different from the first date and wherein the terminal is operative to display images corresponding to the retrieved image data through the display device

Anonymous discloses the use of a centralized server, accessible by an automated teller machine that is in operative connection to a database (Page 2, paragraph 6 under "ATM's on Intranets"). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg so that an ATM will be able to access and consult an exterior source of information that holds data related to the customer using the machine. This

would provide an efficient way for the machine to both access, record and store customer data without having to store each customer's account locally and furthermore would provide a more extensive database with more customer information available.

Anonymous discloses automated teller machines that are equipped with browsers and are connected to a TCP/IP compliant network (See Abstract and Page 2, paragraph 1). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg to allow for the downloading and implementation of new or otherwise absent transaction functions to any ATM, as well as allow the ATM to consult outside sources, like a Bank website. This feature would further allow an ATM to be upgraded to include the latest technology in a fast and efficient manner, and provide the customer with state of the art features, and access to online banking functions.

Furthermore, the fact that the video and audio is sent to security personnel (Eisenberg renders a display device at the remote user terminal inherent. Without a display for viewing the images from the camera, sending the data to security personnel would be moot.

However it was well known in the art at the time of invention, and therefore obvious to anyone of ordinary skill, for computer to have a data store in order to store information for later recall, including on a separate date. In an ATM system like Eisenberg a central computer would almost certainly contain a storage device for transaction information as well as the video and audio information obtained by the camera for security purposes. If there were not data storage means, any hopes of

eliminating the fraud associated with a transaction would have to be witnessed live. By storing this information, security personnel, the affected user and the police could all recall the information at a later time to assess the situation and decide upon corrective measures. Furthermore, the fact that the video and audio is sent to security personnel (Column 2, lines 1-3) renders a display device at the remote user terminal inherent. Without a display for viewing the images from the camera, sending the data to security personnel would be moot.

**Re Claim 39:** Eisenberg in view of Anonymous discloses the apparatus supra and further Eisenberg discloses wherein the function devices comprise transaction function devices (See Fig 1, "cash dispenser"), wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of selected transaction function device during and ATM transaction (Column 3, lines 1-16). In Eisenberg, the computer is operative to activate cameras upon the user entering the emergency PIN, which constitutes a transaction. As in claim 38, it would be obvious for the camera to store this image data so that a someone observing the camera signals would not have to witness the event live, but could review the stored data at a later time.

**Re Claim 40:** Eisenberg in view of Anonymous discloses the claimed apparatus and Eisenberg further discloses wherein the camera is operative to produce camera signals corresponding to a customer of the ATM and wherein the terminal is operative to display images corresponding to the customer image data through the display device (Column 1 line 62-Column 2 line 3).

**Re Claim 41:** Eisenberg discloses an apparatus comprising

- An automated teller machine including a plurality of transaction function devices (Column 2, lines 59-68)
- At least one image device adjacent the ATM, wherein the image device is operative to produce signals corresponding to images (Column 3, lines 13-16)
- A computer (Fig 1, 10), wherein the computer is in operative connection with the machine and (FIG 1) and wherein responsive to the ATM carrying out at least one ATM transaction function through operation of at least one transaction function device, the computer is operative at a first time to cause image data corresponding to the signals (Column 1, lines 58-Column 2, line 3). The image device activates upon the customer entering an emergency PIN, which constitutes a transaction
- At least one communication network in operative connection with the computer (Column 2, lines 1-3)
- A user terminal including an output device in operative connection with the network and is operative to output images corresponding to the image data through the output device (Column 2, lines 1-3)

Eisenberg does not explicitly disclose wherein

- The computer includes a server in operative connection with a data store
- The communication network is in operative connection with the server

- Wherein the user terminal is operative to communicate with the server and to output images corresponding to the image data through the output device at a second time subsequent to the first time

Anonymous discloses the use of a centralized server, accessible by an automated teller machine that is in operative connection to a database (Page 2, paragraph 6 under "ATM's on Intranets"). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg so that an ATM will be able to access and consult an exterior source of information that holds data related to the customer using the machine. This would provide an efficient way for the machine to both access, record and store customer data without having to store each customer's account locally and furthermore would provide a more extensive database with more customer information available.

Anonymous discloses automated teller machines that are equipped with browsers and are connected to a TCP/IP compliant network (See Abstract and Page 2, paragraph 1). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg to allow for the downloading and implementation of new or otherwise absent transaction functions to any ATM, as well as allow the ATM to consult outside sources, like a Bank website. This feature would further allow an ATM to be upgraded to include the latest technology in a fast and efficient manner, and provide the customer with state of the art features, and access to online banking functions.

Furthermore, by storing this information, security personnel, the affected user and the police could all recall the information at a later time to assess a potentially fraudulent situation and decide upon corrective measures.

**Re Claim 42:** Eisenberg in view of Anonymous discloses the claimed apparatus but does not explicitly disclose wherein the at least one image device is located in an interior of the automated teller machine, however it would have been obvious to anyone skilled in the ordinary art to include a camera located in the interior of the automated banking machine as a way to capture close up images of the person or persons standing at the machine, aiding in future identification.

**Re Claim 43:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the server and the data store are located within the banking machine. However Eisenberg does disclose that the ATM system may include the central computer (Column 2, lines 59-68) and it is well known in the art for a computer to act both as a server and a data store. Furthermore, having all parts of the system, including those disclosed by Anonymous, located at the banking machine would be advantageous so that information does not need to be collected from a variety of remote sources, but rather from one local site.

Claims 10-11, 14-16, 18-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg in view of Anonymous and further in view of Hoang (US 6,014,183).

**Re Claim 10:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the data store further includes motion detection instructions and wherein the computer is operative responsive to the motion detection instructions to include the image data corresponding to the second camera signals in the data store.

Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62). Furthermore Hoang notes the usefulness of the invention at ATMs (Column 3, lines 62-66). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the invention of Eisenberg so that a system monitoring an ATM would not have to record every scene at the device, but would only record changes over a certain time. This would save room on the data store and also allow for a more efficient way to review the device as opposed to searching through the recording in real time.

**Re Claim 11:** Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose the step comprising a door, wherein opening the door is operative to provide access to the service area and further comprising a sensor in operative connection with the door and further comprising instructions in the data store, wherein the computer is operative responsive to the instructions and the sensor indicating that the door has been moved to an open condition, to include the image data corresponding to the second camera signals in the



data store. However it was well known in the art at the time of invention for ATMs to be located in vestibules accessible through a door to the exterior. Furthermore the opening of the door as claimed, would constitute a “scene change” as disclosed by Hoang (Column 1 line 63- Column 2 line 1), and would activate the camera and storage features should the door be opened.

**Re Claim 14:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the data store includes instructions for determining a time period during which the data store is expected to continue to accept additional data, and wherein the computer is operative responsive to the instructions to calculate such a time period.

Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62). Hoang discloses that a preferred embodiment of the invention the scene detection device can convert video into individual framed scenes and store a sequence of individual frames (representing a time period) depending on the implementation of the user (Column 6, lines 5-18). Furthermore Hoang notes the usefulness of the invention at ATMs (Column 3, lines 62-66). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include instructions for a time period in which the data store will accept data so that after a certain amount of inactivity of the scene, data will no longer be stored saving memory space. If this feature were not included, data will be stored

continuously after an initial trigger, even if the useful information is only 20 seconds long. Valuable memory space would then be taken up by an essentially static situation.

**Re Claim 15:** Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra and Hoang further discloses wherein the instructions include message instructions for sending a message and wherein the computer is operative to the message instructions to send a message through the network wherein the message includes data representative of the time period. As Hoang points out, the time period of recorded frames is dependent upon the options selected by the user (Column 6, lines 15-18) and following this logic, the user must be able to send this information as a message through the network to the controlling CPU for implementation.

**Re Claim 16:** Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose the step wherein the data store includes a transaction history pattern and wherein the computer calculates the time period responsive to the transaction history pattern. However, it was well known in the art at the time of invention for ATMs to store a transaction history for record keeping purposes in case a transaction is later disputed and therefore would have been obvious to include in any ATM apparatus. Furthermore it would have been obvious for a user to set instructions to record images so long as a transaction was in progress at the machine. In this manner the video from the camera can be set in synch with the transaction history to provide more information about the scene as a whole. Hoang allows for the user to implement instructions, such as the ones disclosed, to the CPU with regards to the storing of the video frame scenes (Column 6, lines 15-18).

**Re Claim 18:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the camera signals are transmitted to the computer through a network. Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62) and further shows a two way communication network between the cameras and the CPU (Fig 1, and Column 3, lines 35-61). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the disclosure of Eisenberg in view of Anonymous to allow for the efficient transfer of information from the camera to the computer without taking additional steps of removing a tape from the camera and then recording the information of the tape onto the CPU.

**Re Claim 19:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step further comprising a camera server in operative connection with the camera, wherein the camera server is in operative connection with the computer. Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62) and further discloses a camera server in operative connection with the cameras and the computer (Fig 4 and Column 5, lines 15-33). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to

the disclosure of Eisenberg in view of Anonymous in order to compile scenes from a variety of cameras before sending a relatively compact record of the scene to the CPU.

**Re Claim 20:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step further comprising a plurality of cameras and wherein a further network is in operative connection with the plurality of cameras and the computer, wherein the plurality of cameras communicate with the computer through the further network. Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62) and further discloses a further network with a plurality of cameras that communicates with the computer via said network (Fig 4, Column 5, lines 15-33). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the disclosure of Eisenberg in view of Anonymous to in order to compile scenes from a variety of cameras before sending a relatively compact record of the scene to the CPU, freeing up memory and processor space on the CPU network.

**Re Claim 21:** Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra and while not explicitly disclosing the step wherein the further network includes a power supply network this step would have been obvious to anyone skilled in the ordinary art so that the cameras will not fail due to lack of power. If there were no power supply associated with the camera network, some cameras may turn off limiting the usefulness of the apparatus.

**Re Claim 23:** Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the data store includes instructions for determining if an amount of image data in the data store is at a level, and further comprising a remote data store in operative connection with the network, wherein the computer is operative responsive to the amount of image data being as great as the level to transfer data through the network to the remote data store. Hoang discloses that a user of his apparatus may provide instructions as to when to stop recording if a predetermined amount of storage space on the data store has been exceeded (Column 7, lines 36-48). While not explicitly disclosing a backup data store, such configurations in security systems are common in case one system fails or memory space is limited. By providing a backup data store, it is less likely that certain video will not be recorded. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the disclosure of Eisenberg in view of Anonymous so that potentially valuable information is not lost due to lack of storage space on the data store.

**Re Claim 24:** Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose wherein the data store includes further instructions wherein the computer is operative responsive to the further instructions to erase image data in the data store after transfer of such image data to the remote data store. However this step would have been obvious to anyone skilled in the ordinary art at the time of invention so that memory space on the original data store can be maintained for future recording. If there were no way to erase previously

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transferred video, then once the data store reaches its maximum capacity no further recording can occur.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg in view of Anonymous in view of Hoang as applied to claim 11 above, and further in view of Wookey (US 6,023,507).

**Re Claim 12:** Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose wherein the computer is further operative responsive to the instructions to send an email message through the network. Wookey discloses an automatic remote computer monitoring system that discloses such step (Column 6, lines 61-Column 7, line 7). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Wookey to the apparatus of Eisenberg in view of Anonymous in view of Hoang so that problems identified by an individual utilizing the system can be quickly and efficiently sent to the central computer, or vice versa, and the system can be programmed with corrective actions.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

The affidavit filed on 1/12/06 has been considered but does not overcome the new found rejections stated above.

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600